

GJGN070006522026



Received on	04.08.2026
Registered on	04.08.2026
Decided on	11.08.2026
Duration	00 00 07 YY MM DD

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IN THE COURT OF 4th ADDITIONAL SESSIONS JUDGE,
AT KALOL, DIST. GANDHINAGAR

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Criminal Misc. (Regular Bail) Application

No.314 of 2026

Exh.6

FIR No. : C.R. No.11216022260572/2026
Police Station : Kalol Taluka Police Station
Offences : Sections – 137(2), 351(3), 54 of the Bhartiya Nyay
Sanhita - 2023 and section – 17, 18 of the Protection
of Children from Sexual Offences Act, 2012

Applicants :

1. Rakesh Rameshji Thakor
Age : 22 years, Occupation : Study,
Residing at : Lunasan, Ta.Kadi, Dist.Mehsana

2. Sanjay Ganeshji Bhagora
Age : 19 years, Occupation : Study,
Residing at : Lunasan, Ta.Kadi, Dist.Mehsana

V/s.

Opponents :

1. The State of Gujarat

2. Lalaji Rameshji Trikamji Thakor

Age : 36 years, Occupation : Private Job,
Residing at : Thakor Vas, Lunasan, Ta.Kadi, Dist.Mehsana

Appearance (Learned Advocates) :

For Applicants : Ld. Adv. Mr. J.M.Thakor, Mr. A.R.Thakor,
Mr. D.G.Thakor,
For opponent : Ld. AGP Mr. J.H.Joshi,
For complainant : Nil

**Application to enlarge on regular Bail under
Section 483 of the Bharatiya Nagarik Suraksha Sanhita,2023.**

:~: JUDGMENT ~:

- [1] Present application is preferred by the accused person - present applicant under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('**the BNSS**' for short), seeking regular bail in connection with FIR being **C.R. No.11216022260572/2026 registered with Kalol Taluka Police Station for the offence punishable under Sections – 137(2), 351(3), 54 of the Bhartiya Nyay Sanhita - 2023 and section – 17, 18 of the Protection of Children from Sexual Offences Act, 2012.**
- [2] Complainant, Lalaji Rameshji Trikamji Thakor registered the complaint before the Kalol Taluka Police Station by mentioning that on 15.07.2026, at about 07:15 p.m., at

Chhatreshwar Mahadev Temple, Chhatral Village, District Gandhinagar, Accused No.1 and Child in Conflict with Law No.3 allegedly took the minor daughter of Shri Shree, aged 14 years, 9 months and 6 days, and the minor daughter of Shri Shahed, aged 15 years, 9 months and 4 days, in a white Swift car bearing Registration No. GJ-02-EN-5523, belonging to Accused No.2. It is further alleged that the accused persons forcibly made both the minor girls sit in the said vehicle and took them towards Pratappura. They allegedly threatened the minor girls with dire consequences, including death, in the event that they disclosed the incident to their parents. Thereafter, both the minor girls were dropped near the school. Thus, it is alleged that the accused persons, in furtherance of their common intention and by aiding and abetting each other, forcibly took away the minor girls from the lawful guardianship of their respective guardians, thereby committing the alleged offences.

Hence, the complaint was filed by the complainant. Upon investigation of the said offence, the applicants were arrested. Hence, this application seeking regular bail under Section 483 of the BNSS.

- [3] In view of the Notice issued to the other side, Ld. AGP appeared for the State and has placed the affidavit of concerned I.O. on record vide **Exh.5**.

[4] Referring to the application and the documents produced therewith, Learned Advocate for the applicant has mainly made the following submissions :

[4.1] The Applicants were arrested on 04.08.2026 and are presently in judicial custody; their further custodial interrogation is not required.

[4.2] The Applicants are young students, and their continued incarceration is adversely affecting their education and future prospects.

[4.3] The Applicants have no criminal antecedents and have not been involved in any criminal case prior to the present FIR.

[4.4] The Applicants are permanent residents of the locality, having deep roots in society, and there is no likelihood of their absconding or fleeing from justice.

[4.5] The Applicants undertake to cooperate with the investigation and to remain present before the Investigating Officer as and when called upon.

[4.6] The Applicants undertake not to tamper with the prosecution evidence or directly or indirectly influence, threaten, or intimidate any prosecution witness.

[4.7] The Applicants undertake to abide by all terms and conditions that may be imposed by this Hon'ble Court while granting regular bail.

[4.8] Considering the young age of the Applicants, absence of criminal antecedents, their roots in society, and the fact that further custodial interrogation is not required, the Applicants deserve to be enlarged on regular bail.

Thus, the learned advocate for the applicant has prayed to release the applicant-accused on bail.

[5] As against this, the Ld AGP has, by referring to the affidavit of the Investigating Officer, made following submissions :

[5.1] despite the fact that the daughters of the complainant/witness were minors, Accused No.1 and the Children in Conflict with Law allegedly took them away from the lawful guardianship of their respective guardians. It is further alleged that Accused No.2 provided his father's Swift car bearing Registration No. GJ-02-EN-5523 and thereby aided and facilitated the commission of the alleged offence. It is also alleged that the accused persons threatened the minor girls and committed the alleged offences.

[5.2] It is further submitted that the Applicants/accused and the complainant/witnesses are residents of the same locality. Therefore, if the Applicants are enlarged on regular bail, there is a reasonable apprehension that they may directly or indirectly threaten, influence, induce or intimidate the complainant and prosecution witnesses and thereby tamper

with the prosecution evidence. The possibility of the Applicants approaching or contacting the complainant/witnesses and creating disturbance or obstructing the course of justice cannot be ruled out.

[5.3] Considering the nature and gravity of the alleged offence, the prosecution therefore opposes the grant of regular bail to the Applicants and prays that the present application be rejected in the interest of justice.

[5.4] It is further submitted that Applicant/Accused No.2 is also involved in an offence registered with Kadi Police Station for the offences punishable under Sections 115(2), 351(2), 352 and 54 of the Bharatiya Nyaya Sanhita, 2023, and Section 135 of the Gujarat Police Act.

By placing reliance on the affidavit filed by the I.O., he prays this Court to reject the present application.

[6] It is a settled Law that, the provisions under Section 483 of the BNSS can be exercised in the case where the release of the accused may not effect trial and when there is no prima-facie case against the accused person.

[7] All the available material speaks in volume that:

- > That applicants have been in judicial custody since 04.08.2026.
- > As per the affidavit of the IO nothing shows that this accused is still needed for any interrogation or

investigation.

- > Ld advocate for the applicants' has assured that the accused will remain present before the court as and when called for.
- > Keeping the accused behind bars will not serve the purpose of fair and speedy trial.

[8] Hence, in view of the above facts and circumstances of the case, without going into hue and cry beyond the precincts of this Court, this is a case where discretion if exercised will not effect the investigation as the investigation qua this applicant is completed. Hence, I pass the following order in the interest of justice.

ORDER

1. This present application preferred by **applicant No.1 and 2** resident as shown in the cause title, arrested in connection with FIR being **C.R. No.11216022260572/2026 registered with Kalol Taluka Police Station for the offence punishable under Sections – 137(2), 351(3), 54 of the Bhartiya Nyay Sanhita - 2023 and section – 17, 18 of the Protection of Children from Sexual Offences Act, 2012** is hereby ALLOWED on the following conditions:
 - a. The applicants are ordered to be released on regular bail on executing surety amounting to **Rs.15,000/- Each** and the bail bonds of the like amount.

- b.** mark presence before the concerned Police Station on 1st and 16th date of each English Calendar month, between 10:30 A.M to 12.30 P.M, till the charge sheet is filed.
- c.** The applicants will not take undue advantage of liberty.
- d.** The applicants will co-operate during trial.
- e.** The applicant will furnish their permanent residence address with proof with all contact numbers to the concerned court and shall not change the said residence without the prior permission of the concerned court below.
- f.** The applicants will not leave the territory of India without the prior permission of the Learned Court below.
- g.** The applicants will deposit (if they have) their passport before the concerned Court within a week from their release and if, they do not possess any passport, an affidavit to that extent shall be furnished before the Learned Court below.
- h.** The Learned Trial court will not be influenced by any observation made by this Court while enlarging the applicant on bail.
- i.** The jail authority will release the applicants only in this case in pursuance to the YADI sent to such authority.
- j.** Surety and bail bonds to be given to the Learned Trial Court.

- k. Appropriate Yadi to be sent to the Learned Trial Court and the I.O. in accordance with law.

Pronounced in open Court today on
this **11th day of AUGUST, 2026.**

Date : 11.08.2026
Place : Kalol

(Brijeshkumari Rameshwarsingh Rajput)
4th Additional Sessions Judge,
At Kalol, Dist.Gandhinagar
Code GJ00826

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